**THE HONOURABLE SRI JUSTICE**
**R. SUBHASH REDDY**

WRIT PETITION No. 1067 OF 2003

ORDER:

This Writ Petition is filed questioning the order dated 11-12-2002 in proceedings No. CCLA.Ref.TGP2/266/2002, issued by the Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad. The said order is passed rejecting the appeal preferred by the petitioner under the Arms Act 1959, in limini.

It is submitted by the learned Counsel for the petitioner that though the primary authority has passed order on 3-8-2001, but the said order was not communicated to the petitioner. It is stated that only after filing the representation, the said order was dispatched to the petitioner and the same was received by the petitioner on 26-4-2002. As such, it is the case of the petitioner that if the limitation is computed from the date of service of the said order, the appeal filed by him is within the limitation as prescribed under the Arms Act, 1959. It is submitted by the learned Counsel for the petitioner that though the date of service of the order is mentioned in the preamble of the appeal preferred before the appellate authority, the appellate authority without considering the same, simply rejected the appeal by the impugned order dated 11-12-2002 stating that the appeal is time barred.

No counter affidavit is filed on behalf of the respondents. In the very grounds of appeal preferred by the petitioner before the appellate authority, the petitioner has stated that he has received the order only on 26-4-2002 and the appeal was preferred on 18-5-2002. In that view of the matter, it cannot be said that the appeal is time barred. Having regard to the same, I set aside the order dated 11-12-2002 in proceedings No. CCLA.Ref.TGP2/266/2002, and remit the matter back to the appellate authority to consider the appeal afresh, on merits and pass appropriate orders.

Subject to the above direction, the Writ Petition is disposed of. No costs.

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*JUSTICE R. SUBHASH REDDY*

DATED: 16-6-2004
Ak/Msnr.